

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: William A. Brownlee, Sr, Debtor, Citibank, N.A., not in its individual capacity but solely as trustee of COLT 2022-5 Trust, Movant, v. William A. Brownlee, Sr, Debtor/Respondent, KENNETH E. WEST, Trustee/Respondent.	Bankruptcy No. 24-10598-pmm Chapter 13 Related to Doc. No. 21
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**CITIBANK, N.A., NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE
OF COLT 2022-5 TRUST'S OBJECTION TO CONFIRMATION OF
DEBTOR'S CHAPTER 13 PLAN**

Citibank, N.A., not in its individual capacity but solely as trustee of COLT 2022-5 Trust, ("CITIBANK"), by and through its undersigned counsel, hereby objects to the proposed Chapter 13 Plan of Debtor William A. Brownlee, Sr, and in support thereof alleges as follows:

1. Debtor, William A. Brownlee, Sr, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 23, 2024.
2. CITIBANK holds a security interest in the Debtor's real property at 68E Slocum St Philadelphia, PA 19119 (the "Property"), by virtue of a Mortgage recorded in the recording district of Philadelphia County, PA on February 8, 2022 with Instrument No. 53968673

which has ultimately been assigned to Citibank, N.A., not in its individual capacity but solely as trustee of COLT 2022-5 Trust.

3. Said Mortgage secures a Note in the amount of \$204,750.00
4. On May 3, 2024, Secured creditor filed its Proof of Claim under the claim (18-1) in the total claim amount of \$275,063.99 with \$71,529.94 in pre-petition arrears. A true and correct copy of the Proof of Claim (with all supporting documents) is attached hereto as Exhibit "A."
5. On April 8, 2024, Debtor filed a Chapter 13 Plan (the "Plan"). A true and correct copy of the Plan is attached hereto as Exhibit "B."
6. The plan fails to include treatment of Secured Creditor's claim, and subject property is not scheduled on Schedule A. Secured Creditor objects to the plan and seeks clarification as to Debtor's intentions in regard to the subject property and claim.
7. The plan fails to meet the requirements of 11 U.S.C. § 1322(b)(3) and (b)(5) and 1325(a)(5) with respect to the Secured Creditor's claim and the subject mortgage, and therefore, fails to meet the confirmation requirements of 11 U.S.C. § 1325(a)(1).
8. Accordingly, pursuant to 11 U.S.C.A. § 1325(a)(5) Citibank, N.A., Not In Its Individual Capacity But Solely As Trustee Of Colt 2022-5 Trust's hereby objects to Debtor's proposed Plan due to the fact that the treatment of Secured Creditor's Claim is not accounted for in the Plan filed by the Debtor. See 11 U.S.C.A. § 1322(b)(3) and (b)(5).

WHEREFORE, Secured creditor CITIBANK, respectfully requests that this Court not confirm the Chapter 13 Plan of Debtor William A. Brownlee, Sr.

Respectfully Submitted,

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Authorized Agent for Secured Creditor

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By: /s/ Robert Shearer, Esq.

Robert Shearer, Esquire

Pennsylvania Bar Number 83745

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Date: June 28, 2024

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 28, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

MICHAEL A. CIBIK
Cibik Law, P.C.
1500 Walnut Street
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Philadelphia, PA 19102

KENNETH E. WEST
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

United States Trustee
Robert N.C. Nix Federal Building
900 Market Street, Suite 320
Philadelphia, PA 19107

William A. Brownlee, Sr
640 N 39th St
Philadelphia, PA 19104-1853

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

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